

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Fredric N. Eshelman; <div style="text-align: right;"><i>Plaintiff,</i></div> <div style="text-align: center;">v.</div> True the Vote, Inc., et al.; <div style="text-align: right;"><i>Defendants.</i></div>	Civil Case No. 4:20-cv-04034 Judge Charles Eskridge, III
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**Defendants James Bopp, Jr. and The Bopp Law Firm, PC Consolidated Response in
Opposition to The Center for Investigative Reporting’s Motion to Intervene and
Unseal**

The Center for Investigative Reporting moved to intervene for the purpose of unsealing judicial records in this case. Pursuant to Federal Rule of Civil Procedure 24(b) and this circuit’s precedent, CIR’s motion is both timely and satisfies the liberal “claim-or-defense” requirement relevant to unsealing motions. *Newby v. Enron Corp.*, 443 F.3d 416, 424 (5th Cir. 2006). Therefore, Defendants James Bopp, Jr. and The Bopp Law Firm, PC (“**Bopp Defendants**”) do not oppose CIR’s intervention for the limited purpose of seeking to unseal certain records. However, the Bopp Defendants do oppose unsealing certain records which should remain properly sealed according to this Court’s order and applicable rules.

In general, the redacted and sealed material in this matter can be categorized in one of three ways:

1. **Presumably Privileged Material:** Multiple pages of material produced in this **Bopp Defs. Resp. to Mot. to Intervene**

case contained redactions from Plaintiff Eshelman's attorneys.¹ From the context of these redactions, they appear to be privileged email communications between Mr. Eshelman and his attorneys. This privilege does not belong to Bopp Defendants and they take no position upon the waiver of such privilege.

2. **TTV Bank Statement:** TTV's Wells Fargo Bank Statement for the period of November 5, 2020 - December 23, 2020 was filed under seal according to this Court's order. ECF No. 41-2 at 31-39. In addition, TTV's bank account balance prior to Mr. Eshelman's donation to TTV has been redacted from some materials. ECF No. 41-1 at 1,5, 15. TTV is represented in this matter by Mr. Brock C. Akers and any opposition to unsealing this statement or the balance will be addressed by TTV's attorneys.
3. **Bank Account Identifiers:** Several documents include bank account numbers and wire transfer numbers which have been redacted. *See* ECF No. 45-1 at 42, 44, 47, and 48.

It is this third category of redactions Bopp Defendants oppose unsealing. The account and wire transfer numbers are not only reasonably subject to this Court's leave

¹ Plaintiff Eshelman redacted portions of the expedited discovery allowed in this matter. These pages were attached in Exhibits 1-7 of Defendant Catherine Engelbrecht's Declaration in Support of Defendants' Responses in Opposition to Plaintiff's Verified Emergency Application for Temporary Restraining Order and Verified Motion for Preliminary Injunction (ECF No. 45-1). The following pages contained the referenced category of redactions (all page references to the ECF No.): 34,36,40,42,49,62,63,64,65,66,67,71,77,79,80,81,116,117.

for Mr. Eshelman to file materials under seal, but they are required to be redacted by Federal Rule of Civil Procedure 5.2(a)(4). This Rule states financial account numbers *must* be redacted (except the last four digits may be included) when filed. This rule was adopted “to protect privacy and security concerns relating to electronic filing of documents and the public availability . . . of documents filed electronically.” Committee Notes on Rules - 2007. Therefore, Bopp Defendants oppose the portion of CIR’s motion which calls for unsealing these financial account numbers. This Court’s actions related to these numbers was proper and supported by law, common sense, and the federal rules. This Court should deny CIR’s motion as it relates to unsealing financial account identifiers such as account numbers, routing numbers, and wire transfer numbers.

**Bopp Defs. Resp.
to Mot. to Intervene**

Dated: September 30, 2022

Respectfully Submitted,

/s/ Brock Akers

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Certificate of Word Count

I hereby certify that the foregoing document has 543 words, pursuant to this Court's rules.

/s/ James Bopp, Jr.
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